

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

---

RONALD M. GONDA,	: CIVIL ACTION NO. 00-2286
	:
Plaintiff,	:
	:
	:
v.	: CHIEF JUDGE AMBROSE
	:
METROPOLITAN LIFE INSURANCE COMPANY AND WILLIAM GERALD FRIEDT, JR.,	:
	:
Defendants	:

---

**METROPOLITAN LIFE INSURANCE COMPANY'S AND WILLIAM GERALD FRIEDT, JR.'S MOTION IN LIMINE TO EXCLUDE EVIDENCE REGARDING THE PENNSYLVANIA MARKET CONDUCT EXAMINATIONS OF METROPOLITAN LIFE INSURANCE COMPANY AND RELATED DOCUMENTS**

Metropolitan Life Insurance Company (“MetLife”) and William Gerald Friedt, Jr. hereby submit the following Motion in Limine to Exclude Evidence Regarding the Pennsylvania Market Conduct Report (the “Pennsylvania Report”) and related documents:<sup>1</sup>

1. In Plaintiff's Exhibit List dated June 12, 2006, Plaintiff has identified the Pennsylvania Market Conduct Report as Exhibit 2455, which is irrelevant to this case and highly prejudicial.
2. Plaintiffs' Proposed Exhibits 55 should be excluded for the reasons set forth in detail in Defendants' Brief in Support of its Motion to In Limine to Exclude Evidence Regarding the Pennsylvania Market Conduct Examinations and Related Documents, which is incorporated by reference.

---

<sup>1</sup> A copy of the Pennsylvania Report, Plaintiffs' Exhibit 55, is attached as Exhibit A to Defendant's Motion. In support of the arguments set forth in detail in Defendants' Brief in Support of its Motion to In Limine to Exclude Evidence Regarding the Pennsylvania Market Conduct Examinations and Related Documents, Defendants enclose Ex. B, William Gerald Friedt, Jr. Dep. Tr. at 30; Ex. C Drummond v. Alia – The Royal Jordanian Airline Corp., 11 Fed. R. Evid. Serv. 1904, 1908-10 (W.D. Pa. 1982); and Ex. D Sherman v. Maleski, No. 309 M.D. 1994 (Pa. Cmwlth. Aug. 30, 1994), vacated, 664 A.2d 221 (1995).

**WHEREFORE**, Defendants respectfully requests that this Court grant Metropolitan Life Insurance Company and William Gerald Friedt, Jr.'s Motion in Limine to Exclude Evidence Regarding Pennsylvania Market Conduct Report.

Respectfully Submitted,

s/ B. John Pendleton, Jr.

---

B. John Pendleton, Jr.  
McCARTER & ENGLISH, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, NJ 07102  
(973) 622-4444

Attorneys for Defendants  
Metropolitan Life Insurance Company and  
William Gerald Friedt, Jr.

Dated: June 19, 2006

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via the electronic case filing system, on this 19th day of June, 2006 on the following counsel of record:

Kenneth R. Behrend, Esq.  
Behrend and Ernsberger, P.C.  
Union National Bank Building  
306 Fourth Avenue, Suite 300  
Pittsburgh, PA 15222

s/ B. John Pendleton, Jr.

---